

FREDERICK COUNTY PLANNING COMMISSION  
MEETING OF December 14, 2011  
9:30 a.m.

Members Present: John McClurkin, Chairperson; Richard Floyd, Vice-Chair; Robert Lawrence, Secretary; Blaine Young, Commissioner Liaison; Audrey Wolfe; Catherine Forrence and Robert White

Staff Present: Eric Soter, Community Development Division Director; Gary Hessong, Department of Permits and Inspections Director; Kathy Mitchell, Assistant County Attorney; Ron Burns, Traffic Engineer; Bryon Mitchell, Manager of Plan Review Services and Office of Life Safety; Tolson DeSa, Principal Planner; Jim Gugel, Planning Manager; Vijay Kapoor, Engineer and Linda Williamson, Development Review Technician.

1. **MINUTES:**

November 9, 2011, CDD

**Decision:** Ms. Forrence made a motion to approve the minutes as corrected from the November 9, 2011 FcPc Meeting, 2nd Mr. Lawrence.

**Yea 6 Nay 0 Abstained 1 (Young) Absent 0**

November 16, 2011, CDD

**Decision:** Ms. Forrence made a motion to approve the minutes from the November 16, 2011 FcPc Meeting, 2nd Mr. White.

**Yea 6 Nay 0 Abstained 1 (Young) Absent 0**

November 17, 2011, CDD

**Decision:** Ms. Forrence made a motion to approve the minutes as corrected from the November 17, 2011 FcPc Meeting, 2nd Mr. Lawrence.

**Yea 6 Nay 0 Abstained 1 (Young) Absent 0**

2. **PLANNING COMMISSION COMMENTS:**

Mr. McClurkin and Mr. Floyd welcomed Commissioner Liaison Young to the Planning Commission.

Mr. Young thanked the Planning Commission and said he planned on being in attendance for the meetings.

3. **AGENCY COMMENTS/AGENDA BRIEFING:**

Eric Soter, Community Development Division Director-

- 1) New Market Area planning amendments update would come before them soon and it would be similar to the Brunswick Area planning amendments update.

- 2) Countywide Plan and Zoning Amendment Cases will go before the BoCC sometime in January.
- 3) Delivery of the Planning Commission packets may need to be looked at for different delivery or pickup, currently we are mailing, and this may not be a good option with the post office changes and the local Frederick distribution center closing.

#### 4. **PRELIMINARY PLAN**

- a) *Preston*-The Applicant requested preliminary plan approval for 91 lots, consisting of 46 single-family detached, 33 townhouses, with 12 MPDU's on 46.41 acres. Located at the terminus of Preston Drive and Broad Branch Way off Baltimore Road. Zoned: R-3; Residential Use, New Market Planning Region. Tax Map 78 / Parcel 243 & 681

##### **Staff Findings/Recommendations:**

##### **Findings:**

Based on the discussion in this report and with the conditions listed below, Staff found that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

*Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.*

Staff had no objection to conditional approval of the site plan.

##### **Recommendations:**

Should the Planning Commission conditionally approve this Preliminary Plan S 1010 (AP# 12052, APFO 12053 & FRO 12054) for the proposed Preston II subdivision, the motion for approval should include the following items:

1. Preliminary plan approval for a period of five (5) years from today's date or until December 14, 2016.
2. The APFO approval is valid for six (6) years from the date of Commission approval; therefore, APFO approval expires on December 14, 2017.

*Staff recommended that the following items be added as conditions of approval:*

1. Address all agency comments as the plan proceeds through completion.
2. Strike Preliminary Plan notes # 19, 23, and 27.
3. Add note to Preliminary Plan, which states, "This current approval granted by the FCPC on December 14, 2011 supersedes any previous approvals on this site."
4. Add a note on the Preliminary Plan which states, "On December 14, 2011 the FCPC waived the parkland requirement of 1 acre of 5 % slopes or less per 1-16-111."
5. The APFO approval is valid for six (6) years from the date of Commission

approval; therefore, the APFO approval expires on December 14, 2017. A Final Forest Conservation Plan and legal documents must be executed prior to lot recordation, or grading or building permit application, whichever comes first.

6. Section 1-19-8.620.6 requires that a written MPDU agreement must be approved by the Director of Housing in accordance with Chapter 1-6A of the Frederick County Code prior to the issuance of a building permit or recordation of a final plat.
7. The Applicant shall work to place construction traffic off of the Section 1 roads in either the 30' easements to the service road or through the Mains Heights property.
8. Joint Preston Section II and Mains Heights HOA Documents to be reviewed and approved by Frederick County prior to plat recordation.

**Staff Presentation:**

Tolson DeSa, Principal Planner  
Eric Soter, Community Development Division Director  
Kathy Mitchell, Assistant County Attorney  
Ron Burns, Traffic Engineer

**Applicant Presentation:**

Mr. Zeller of Harris, Smargia & Associates, Inc. and Mr. Fitzgerald represented the Applicant and presented the proposal.

**Public Comment:**

Ms. Bloam, spoke on behalf of the existing HOA

**Rebuttal:**

N/A

**Decision:** Mr. White made a motion for approval of *Preston* with the site plan notes to be edited to reflect the current approval and also approval is in accordance with re-approving note 19B on the site plan (19B states waiver of parkland requirement of 1 acre of 5% slopes or less.) and the Staff's findings and recommendations, 2<sup>nd</sup> by Ms. Wolfe.

**Yea 5 Nay 2(Floyd/Forrence) Abstained 0 Absent 0**

**5. ADEQUATE PUBLIC FACILITIES**

- a) *Main's Heights* – Requested APFO approval. Modified residential use from active adult to non-age restricted use for a 59-lot subdivision (30 single-family and 29 townhouses) on 16.7 acres, located west side Mains Lane, north side Bartonsville Road. Previously conditionally approved with the same housing typed mix by the FCPC on October 14, 2009. Tax Map 78 / Parcels 243 & 681.

**Staff Findings/Recommendations:**

**Findings:**

Based upon the discussion in the report, the Staff found that the application meets and/or will meet all applicable APFO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

**Recommendations:**

*The Staff recommended **approval** of the APFO application and full execution of the LOU.*

**Staff Presentation:**

Ron Burns, Traffic Engineer

**Applicant Presentation:**

Mr. Zeller, of Harris, Smargia & Associates, Inc. represented the Applicant and presented the proposal.

**Public Comment:**

N/A

**Rebuttal:**

N/A

**Decision:** Mr. White made a motion for approval of *Main's Heights* in accordance with the Staff's findings and recommendations, 2<sup>nd</sup> by Mr. Young.

Yea 6 Nay 1(Floyd) Abstained 0 Absent 0

**6. SITE PLAN**

- a) *St. Joseph's Carrollton Manor Roman Catholic Congregation-* The Applicant requested site plan approval for the construction of a 14,796 square foot new church sanctuary and associated uses located on a 21.87-acre parcel. Located along Manor Woods Road, west of New Design Road. Zoned: Agricultural (AG); Institutional Use, Adamstown Planning Region. Tax Map 94/ Parcel 45.

**Staff Findings/Recommendations:**

**Findings:**

Based on the discussion in the report and with the conditions listed below, Staff found that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

*Staff notes that if the Planning Commission conditionally approves the site plan, both the site plan and APFO approvals are valid for a period of three (3) years from the date of Planning Commission approval.*

Staff had no objection to conditional approval of the site plan

**Recommendations:**

Should the Planning Commission conditionally approve this Site Plan SP # 95-53 (AP# 12122, APFO 12123 & FRO 12124) for the proposed St. Joseph-On-Carrollton Manor, the motion for approval should include the following item:

1. Site plan and APFO approval for a period of three years from today's date.
2. Approval of Zoning Ordinance Modification request for the following code section:
  - a. §1-19-6.400.D.1 Alternate Landscape Plan

Staff recommended that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. Note approval of Zoning Ordinance Modification request for §1-19-6.400.D.1 Alternate Landscape Plan on the site plan.

**Staff Presentation:**

Tolson DeSa, Principal Planner

Eric Soter, Community Development Division Director

**Applicant Presentation:**

Mr. Zeller of Harris, Smargia & Associates, Inc. and Ms. Sepe a representative of St. Joseph's Carrollton Manor Roman Catholic Congregation represented the Applicant and presented the proposal .

**Public Comment:**

N/A

**Rebuttal:**

N/A

**Decision:** Mr. White made a motion for approval of St. Joseph's Carrollton Manor Roman Catholic Congregation in accordance with the Staff's findings and recommendations, 2<sup>nd</sup> by Mr. Lawrence.

Yea 7 Nay 0 Abstained 0 Absent 0

7. **SITE PLAN**

- a) Kingsbrook Shopping Center: Giant Grocery Fuel Pumps- The Applicant requested site plan approval for a five-fuel pump facility with a 120 square foot kiosk and bathroom structure, located on a 15.22 acre pad site within the Kingsbrook Shopping Center. Located at the corner of New Design Road and Corporate Drive. Zoned: Planned Unit Development (PUD), Frederick Planning Region, Tax Map 86 / Parcel 55.

**Staff Findings/Recommendations:**

**Findings:**

Based on the discussion in the report and with the conditions listed below, Staff found that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

*Staff notes that if the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.*

Staff had no objection to conditional approval of the site plan.

**Recommendations:**

Should the Planning Commission conditionally approve this Site Plan SP # 89-20 (AP# 11613, APFO 11379 & FRO 11614) for the proposed Giant Fuel Pumping Station, the motion for approval should include the following item:

1. Site plan approval for a period of three years from today's date.
2. APFO approval until December 14, 2014.

*Staff recommended that the following items be added as conditions of approval:*

1. Address all agency comments as the plan proceeds through completion.
2. The Applicant shall provide FRO mitigation prior to building or grading permit, whichever is applied for first.
3. The Applicant shall submit a Lighting Plan in accordance with Zoning Ordinance Section 1-19-6.500.F prior to site plan signature.

**Staff Presentation:**

Tolson DeSa, Principal Planner

Eric Soter, Community Development Division Director

**Applicant Presentation:**

Mr. Dean Esq., and representatives of Vanasse Hangan Brustlin, Inc. Wireless PCS LLC and R&R Frederick Associates represented the Applicant and presented the proposal.

**Public Comment:**

N/A

**Rebuttal:**

N/A

**Decision:** Mr. White made a motion for approval of Kingsbrook Shopping Center: Giant Grocery Fuel Pumps in accordance with the Staff's findings and

recommendations, 2<sup>nd</sup> by Ms. Forrence with the additional condition added by Mr. Lawrence noting that lighting is met prior to site plan signature regarding the Frederick County code 19-6-500.

**Yea 7 Nay 0 Abstained 0 Absent 0**

**8. SITE PLAN**

- a) Mount Saint Mary's Student Housing- The Applicant requested site plan approval to construct six student-housing buildings totaling 72,990 square feet, located on a 10.87-acre portion of the overall 454.18-acre tract along St. Anthony Way, north of Motters Station Road. Each building will contain 35-36 beds for a total of 212 beds. Zoned: Institutional (Ie), Thurmont Planning Region. Tax Map 8 / Parcel 48.

**Staff Findings/Recommendations:**

**Findings:**

Based on the discussion in the report and with the conditions listed below, Staff found that the application meets and/or will meet all applicable Zoning, APFO and FRO requirements once the conditions of approval have been met.

Staff notes that if the Planning Commission conditionally approves the site plan, the site plan and APFO approvals are valid for a period of three (3) years from the date of Planning Commission approval.

Staff had no objection to conditional approval of the site plan.

**Recommendations:**

Should the Planning Commission conditionally approve this Site Plan SP # 84-22 (AP# 12137, APFO 12138 & FRO 12139) for the proposed Mount Village Student Housing, the motion for approval should include the following item:

1. Site plan and APFO approval for a period of three years from today's date.

Staff recommends that the following items be added as conditions of approval:

1. Address all agency comments as the plan proceeds through completion.
2. Revise plan reference from University Way to Dubois Terrace.

**Staff Presentation:**

Tolson DeSa, Principal Planner

Eric Soter, Community Development Division Director

Ron Burns, Traffic Engineer

**Applicant Presentation:**

Mr. Stone and Mr. Welford, of Patton Harris Rust & Associates, the consultant and architect for Mount Saint Mary's Student Housing- represented the Applicant and presented the proposal.

**Public Comment:**

N/A

**Rebuttal:**

N/A

**Decision:** Mr. White made a motion for approval of Mount Saint Mary's Student Housing in accordance with the Staff's findings and recommendations: 2<sup>nd</sup> by Ms. Wolfe.

**Yea 7 Nay 0 Abstained 0 Absent 0**

Meeting adjourned at 12:40 p.m.  
Respectfully Submitted,

  
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John McClurkin, Chairperson